

**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

In the Matter of: Objection to Annual Wage Order No. 12
as it pertains to the Wage Rate for Group II Operating Engineers in
Butler County, Missouri

On Behalf of: INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 513

Objector.

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LABOR AND INDUSTRIAL
RELATIONS COMMISSION

OBJECTION

COMES NOW Objector and files its Objection to Annual Wage Order No. 12 and states, as a basis therefor, the following:

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 513 (the "Union") is an unincorporated association representing members who perform work in the construction trades throughout the state of Missouri of the type covered by Section 290.210, RSMo., *et seq.* (the "Missouri Prevailing Wage Law"). These members also perform work of the type at issue in this Objection on a regular basis. Through well-established precedent the Union has historically been permitted to represent the interests of its members before the Labor and Industrial Relations Commission, as have other unincorporated associations.

2. A review of the applicable collective bargaining agreement and construction practice in the locality reveals that, under Sec. 290.262, RSMo., which agreement must be considered in establishing prevailing wages, the wages for INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 513, is incorrectly stated in the proposed Annual Wage Order in that it does not correspond to the collectively bargained rates for Butler County as established by collective

bargaining agreements of INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 513, in that the initially determined rate in Butler County, Missouri is \$15.00, plus no fringe benefits.

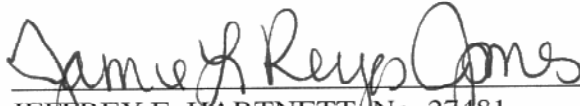
3. The collectively bargained rate is much higher in this locality and is the prevailing wage rate. This rate, for Group II Operating Engineers under applicable collective bargaining agreements, is currently at least \$23.37 per hour, plus \$4.70 health and welfare, \$6.45 pension fund, \$2.05 annuity fund and \$0.60 apprenticeship fund. These rates will further increase during the pendency of Annual Wage Order No. 12.

4. The current prevailing wage levels for Group II Operating Engineers are the rates as established by collective bargaining agreements and hours actually worked, which rates applied to Butler County, Missouri and which are on file with the Missouri Division of Labor Standards.

5. Not only are these rates as described the collectively bargained rates, but there are also workmen ready, willing, and able to perform work in Butler County, Missouri at such rates. Such workmen have, in fact, performed such work at such rates. Work is performed at these rates in the locality to a greater extent than is work performed at the published rate in the objected to Annual Wage Order and such work has been performed to a greater extent at all times pertinent to the Annual Wage Order at issue.

WHEREFORE, Objector respectfully requests the Commission find the collectively bargained rate, with impending change during the term of Annual Wage Order No. 12, with INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 513, and hours submitted, as the prevailing rate of pay for Group II Operating Engineers in Butler County, Missouri based upon the hours of work performed within Butler County, Missouri and upon a consideration of the requirements of applicable collective bargaining agreements as required under Section 290.262, RSMo.

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CERTIFICATE OF SERVICE

An original and two (2) copies of the foregoing was served on Pamela Hofmann, Administrative Secretary, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599, by **Certified Mail**; and a copy was served on the following individuals by placing same, postage prepaid, in the U.S. mails this 6 day of April, 2005.

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